when the means of livelihood became more and more limited. On account of the remoteness of the Magistrate's court, again, redress of grievances became difficult with the result that criminality among the people increased. This was the case with Parur. Alwaye having only a Magistrate of the second class, there was no lawyer in Alwaye of learning or astuteness who might be consulted in criminal cases. When Parur had a Magistrate's court, a large number of cases arising in Puttanchira used to be filed there. There was a remarkable decrease in the number now, from which it could be inferred that the people in the locality would rather put up with their sufferings than seek redress in the Magistrate's court at Alwaye or Perumbavur which to them was a more serious trouble. He requested therefore that a Magistrate's court of the first or second class should be established at Parur.

DEWAN'S REPLY: Mr. Velayudhan, Government have at present under examination a proposal to invest the Tahsildar at Parur with magisterial powers. The matter will be disposed of before long.

### 40. Some difficulties of the litigant public.

MR. S. M. SUBRAHMANYAM (*Member, Nominated*) represented some of the difficulties experienced by the litigant public with special reference to the people of Nagercoil resulting from (i) the delays in civil courts, (ii) the present rule regarding the rate of interest and (iii) the absence of a Magistrate of the first class at Nagercoil.

In regard to the first point, he said that applications under Rule 13 of Order IX of the *Civil Procedure Code* for setting aside decrees *ex parte* were very common in the civil courts. The reason for this was that the process-servers did not serve the processes properly on the defendants. In case any process-server could not find the defendant, he should obtain the certificate of the local *Provertikar* or other *pakuthi* officer to that effect. The defendant in *ex parte* suits might be asked to deposit the decree amount in which case applications for proceeding with the suit under Rule 13 would be considerably less. Issues should be framed within a month from the date of filing the written statement so as to avoid delay on this account. The delays caused in the disposal of civil suits Nos. 1060 of 1091, 1401 of 1092, 1402 and 1517 of 1094, 126, 158, 966 and 1402 of 1095 and 446 of 1096 as also small causes Nos. 2910 of 1095 and 734 of 1098 in the Nagercoil Munsiff's court were specifically mentioned. In cases where the parties were at issue, civil suits should be disposed of within two years and in small causes within six months. Judgment should be pronounced in suits within a week of the hearing. He next pointed out the indifference of the courts in taking action on petitions presented under Section 40 and Rules 56, 87, 94, 97, 98 and 100 of Order XXI of the new *Civil Procedure Code* and cited as instances petitions Nos. 291, 293 and 527 of 1091, 706 of 1092 and 1778 of 1094, on the civil side in the Nagercoil Munsiff's court. Another cause of delay and grievance was the indifference on the part of the presiding officers in taking action against process-servers who allowed judgment-debtors placed in their custody to escape even when such irregularities were brought to their notice. There was also considerable delay in sanctioning the arrest of the judgment-debtor or the attachment of his property so that the judgment-debtor could gain enough time to abscond or remove all moveable properties in his possession to the detriment of the decree-holder. Another source of delay and grievance to the decree-holder lay in the postponement of the date of auction of the property of judgment-debtor after the date had been notified and the necessary action taken to bring the properties to sale. The member also suggested the appointment of a High Court Judge to inspect the subordinate civil courts not only during the recess but also during the working period as a means of averting the delays in civil courts.

In regard to the second point, the Member suggested the adoption, in Travancore, of the rule in British India under which interest at the rates stipulated in the documents was allowed.

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The need for establishing a First Class Magistrate's Court at Nagercoil was then urged, the grounds for his request being the importance of Nagercoil as the second town in Travancore and the distance from the Padmanabhapuram Magistrate's court.

DEWAN'S REPLY : Mr. Subrahmanyan, the first two points, *viz.*, delay in the disposal of suits and the rate of interest dealt with by you in your representation will be noted for consideration.

2. As regards the establishment of a First Class Magistrate's Court at Nagercoil, your request is not unreasonable and the Government will have the matter examined in the light of what you have said.

**41. Total prohibition of drink.**

MR. JOSEPH THOMAS (*Member, Minachil taluk, Group II*) strongly advocated the urgent need for a legislative enactment completely to stamp out the drink evil. Drinking was one of the causes of criminality. It affected the poor day-labourer most. It was the duty of the Government not to lead into temptation those whom penury depressed. According to the Excise Commissioner, on an average, a person spent Rs. 3-13 As.-3 Ps. a year on liquor and this in his view was not a serious danger financially. The basis of the Excise Commissioner's calculation was, according to the Member, wrong. It was not proper to consider all the forty lakhs of people in Travancore as addicted to drinking ; to get at the truth of the situation, only those who really drank should be counted. Calculated on that basis, the average would be much higher. Even a Pulaya wage-earner spent Rs. 45 a year on liquor. This was a very serious drain on the country's wealth and the only reason why the Government did not root out the evil was their desire for the excise revenue. But compared with the 24 lakhs of rupees which the Government gained, more than a crore of rupees were taken away from those who took to drinking.

The next point which the Member considered was the desirability of legislation to prevent this social evil. The greatest happiness of the greatest number was taken as the guiding principle ; and he argued that in a matter like drinking, a dry law tended to general happiness and even if there be a small trenching upon the liberty of the individual, the general well-being of the society justified such a legislation. J. S. Mill himself, the Member said, did not consider it an inroad upon the liberty of the individual if the State interposed in matters on public expediency. A law prohibiting the traffic in liquor in so far as it did not affect any primordial or fundamental rights was ethically justifiable. Drinking was such a bad evil that one addicted to it allured even those who were not.

The Member next explained what other Governments, European, American and Indian, had done in the matter. So far as Indians were concerned, the use of liquor had always been a prohibited article. A Hindu or a Mahomedan was liable even to be ostracised from society if he took to drinking. In recent years there was a widespread feeling against the evil and powerful organisations have been formed to make India a dry country. Several of the Indian States were progressing towards the realisation of the ideal and Travancore which had gained the fair name of ' Model State ' should not in its excise policy sully its reputation.

The fall in revenue, which was the argument advanced by financiers against total prohibition, could be made up by the improvement in the character, thrifty habits and industry of the people when the evil was stamped out. He also quoted Mr. Gandhi who on his visit to Travancore said that if necessary even the educational and charitable institutions might be closed down, but the sale of liquor should be abandoned.

Then, in regard to the practicability of enforcing the law, the difficulty was unnecessarily magnified and was by no means one which could not be overcome. Illicit trade in liquor was bound to exist at all times and if the policy of total prohibition was to be adopted after securing against illicit trade, no progress in that direction could in the near future be achieved. The recommendations of the Excise Committee did not go far enough. The dissenting minute of Mr. M. R. Madhava Variar was acceptable. Why the Government should cater to the public 90 per cent. of the liquor

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